

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA

28 U.S.C. § 2254 HABEAS CORPUS PETITION CHALLENGING A PRISON DISCIPLINARY PROCEEDING

[This form is for a State prisoner to challenge one prison disciplinary proceeding. If you want to challenge more than one, you must file a separate form for each one. If you are challenging a State court or federal conviction, you need a different form.]

Name (under which you were convicted): <i>under duress,</i> RICHARD A SPANNO <i>w/o records</i>	Case No. [For a new case in this court, leave blank. The court will assign a case number.] 3:22-cv-667
Place of Confinement: <i>Miami Correctional Facility</i>	Earliest Possible Release Date: <i>June 11/29/2027</i>

[Once you know your case number, it is VERY IMPORTANT that you include it on everything you send to the court for this case. DO NOT send more than one copy of anything to the court. NEATLY print in ink (or type) your answers.]

1. Name of facility holding the hearing: *Miami Corr. Facility*
 Date of hearing: *10 / NA / 2021* Case number: *21-07-0185* *Not Available - date of report*
 Offense: *Assault on staff (Battery on staff)* *not quite sure.* *157/13/21*
 Code # *A-117* Did you plead guilty? ☐ Yes. ☒ No.
2. Lost earned credit time? ☐ No. ☒ Yes, I lost *365* days earned credit time.
 Was the loss of earned credit time suspended? ☒ No. ☐ Yes, it was suspended until: ____/____/____.
 If suspended, has it been imposed? ☐ No. ☐ Yes, it was imposed on: ____/____/____.
3. Demoted in credit class? ☐ No. ☒ Yes, I was demoted from Class *1* to Class *3*.
 Was the demotion suspended? ☒ No. ☐ Yes, it was suspended until: ____/____/____.
 If suspended, has it been imposed? ☐ No. ☐ Yes, it was imposed on: ____/____/____.
4. Appealed to the Superintendent? ☐ No. ☒ Yes, the result was: *Denied*
5. Appealed to Final Reviewing Authority? ☐ No. ☒ Yes, the result was: *Rehearing 1st and 2nd time denied*
6. Previously challenged this disciplinary hearing in federal court? ☒ No. ☐ Yes, case number: _____
7. Are you paying the \$5.00 filing fee?
☐ Yes, I have authorized prison officials to deduct the money from my prisoner trust fund account and send it to the court.
☒ No, I have attached a separate Prisoner Motion to Proceed In Forma Pauperis AND a copy of my inmate trust fund ledger for the past six months BECAUSE I have less than \$15.00 now AND I have received an average of less than \$15.00 a month during the past six months.

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]

GROUND ONE: [Briefly describe your claim.]

[Explain why the prison disciplinary hearing violated the Constitution, laws, or treaties of the United States. Write the facts supporting each ground. Use simple English words and sentences. Do not use legal terms or quote from cases or statutes. If you want to submit a legal brief or arguments, attach a separate memorandum.]

CAUTION: If you do not present every ground in this petition, you may be barred from doing so later.

GROUND ONE: [Briefly describe your claim.]

Lack of evidence to prove claim. Claim is video doesn't match. towards c/o Rachel Halsey's report & what the video shows - doesn't match up.

Supporting Facts: [Do not argue or cite law. Just state the specific facts that support your claim.]

c/o Rachel Halsey - Stated in her conduct of 7/15/21: That I Licked her "ear" and Right Side of her face @ Cell 12ema 303/304.

(See c/o Goodridge's - DVR - footage Review for the below Account.

- If requested DVR - Video footage to exonerate me from her Claim; c/o Goodridge viewed the video; in accordance with Rachel Halsey's Complaint; DHBC c/o Goodridge's viewing stated that she did not see anything of that nature take place @ my cell (303/304); and states that she sees Rachel Halsey jump back over the wall at cell 305/306; then walk to the other c/o Shuppert; then walks into cell 340/341; then go upstairs and speak to a few other inmates; then finishes her rounds "wall throw".

Did you present Ground One to the Final Reviewing Authority? ☒ Yes. ☐ No, because _____

GROUND TWO: [Briefly describe your claim.]

That c/o Rachel Halsey did not call a Signal "Alert" staff that a Battery had occurred until she left the unit; then she did not bring yard staff to my cell 303/304; but to 305/306.

Supporting Facts: [Do not argue or cite law. Just state the specific facts that support your claim.]

Her c/o Rachel Halsey's conduct that she wrote against me; does not line up with what the camera shows; and at the end of the account c/o Rachel Halsey does not bring yard staff to cell 303/304 as was my cell; but to cell 305/306 as it was not my cell.

As it is clear from the evidence of DVR footage & when she called a signal that the altercation that supposedly took place was not involving me; as clearly she states @ cell 303/304. And I know the camera she's checking cell 303-304; and shows nothing of that sort taking place.

Did you present Ground Two to the Final Reviewing Authority? ☒ Yes. ☐ No, because _____

GROUND THREE: [Briefly describe your claim.]

That: The 1st Hearing I was Not given a Lay advocate of my peers. I filed the Appeal. Then State got a re-hearing as the Sanction was suppose to be vacated, but I was still sitting in segregation. Nothing Restored. Then when I did receive a Lay advocate of my peers, I had gotten a witness statement from Inmate Devon Johnson who's Room was 305/306, as well as go Goodridge Again watching the Video and States That She Did not See Anything @ 305/306. I was Given a Re-hearing for Violation of the Process. Although Lay advocate of my peers. Then 2 witness statements from the Lay advocate Inmate Devon Johnson Both stating That They didn't See Anything @ all take place of that matter. as the Lay advocate Re-viewed the DVR and seen Nothing Take place as Described in Rachel Halsey's conduct. By go Halsey Not calling a signal. Continuing to walk About the Day room, walking into Another inmates cell. It's clear of what cell I live in and what the Incident / If Any Take place. And the DVR - Review I Requested was in my favor - But still found guilty.

Did you present Ground Three to the Final Reviewing Authority? ☒ Yes. ☐ No, because

DOCUMENTS

I have attached these documents from this disciplinary hearing: [Check all that apply.]

- ☐ Report of Conduct
☐ Screening Report
☐ Report of Disciplinary Hearing
☐ Letter from the Final Reviewing Authority
☐ Other relevant documents:

I Do not have Any of my property, That is from my more from P-house on 7/9/22; I Not Sure If I have All the Doc's as well.

RELIEF

I ask for the following relief:

That: Your Review All the documents with the case; see DVR-video yourself? make The Right Determination. That: The Sanction: Grievous Time Loss Be Restored; All activities Commencing After 7/13/21 That has taken place be Vacated. or any other relief to which I may be entitled. as Grievous that came from 7/13/21's conduct caused much other things to happen and if I was not found guilty of that bogus conduct, I would be a Level 1 and - Possibly @ home by now.

DECLARATION AND SIGNATURE

I placed this petition in the prison mail system on 8/9/2022 at am/pm.

[Do not fill in this date and time until you give this petition to prison officials to send to the court.]

I declare under penalty of perjury that all of the statements in this petition are true and agree I will promptly notify the court of any change of address.

Signature

DIBA: RICHARD A. SPANNO (TN)

Prisoner Number

178770 © (TND)

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]